



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

April 23, 2026

SUBJECT: REZONING - PLANNING & DEVELOPMENT SERVICES REPORT TP-ENT-1025-00018, 402 and 430 W Medina Rd (Ward 1)

PUBLIC HEARING: April 9, 2026

SUMMARY OF FINDINGS

Applicant's Request for Rezoning R-1 to O-2

This is a request by Kaeko, Inc. to rezone two parcels at 402 and 430 West Medina Road from the R-1 Urban Residence zone to the O-2 Office zone. The parcels are located approximately 330-feet east of South 12th Avenue on the north side of West Medina Road. The applicant is seeking to increase the number of allowed clients at the existing Adult Day Care business (Lot 1) and convert an existing single-family residence (Lot 2) to an Administrative and Professional Office. Existing structures are present on both Lots 1 & 2 under the current R-1 zoning with recent improvements completed on Lot 1 for Adult Day Care including pedestrian access, landscaping, and parking.

Public Outreach

On August 25, 2025, the applicant held a neighborhood meeting at the Valencia Road Library located at 202 W Valencia Rd. Five (5) neighbors attended the meeting including representatives from the Barrio Nopal Neighborhood Association. The applicant's team as well as three (3) City of Tucson Planning & Development Services Department employees were also present.

At the neighborhood meeting three primary issues were raised by the residents: 1) potential lack of notification regarding a separate and unaffiliated project in the area, 2) address distribution not including Barrio Nopal NA, and 3) and concern about property taxes in the area that may be impacted as result of the proposed project. The issues raised do not materially relate to or affect the substance of the rezoning request.

Background Information

Existing Land Use:

Currently occupied adult day care facility building (Lot 1); Existing Administrative Office Building (Lot 2)

REZONING – Planning & Development Services Report TP-ENT-1025-00018 - Rezoning 402 & 430 W Medina Rd R-1 to O-2 (Ward 1)

Zoning Descriptions:

Existing: R-1 Urban Residence: Provides for urban, low density, single family, residential development together with schools, parks, and other public services. _

Proposed: O-2 Office: Provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: R-1 Urban Residence

South: R-1 Urban Residence

East: R-1 Urban Residence

West: C-1 Commercial & R-1 Urban Residence

To the north of the subject site there is a church, to the south there is a utility substation, to the east are single-family dwellings, and to the west is a multiple-family apartment complex, currently under construction.

Planning Considerations

2025 *Plan Tucson* and the 2001 *12th Avenue-Valencia Road Area Plan* provide policy direction for the rezoning site. Concurrently with this case is case TP-AMD-1025-00001 - a request by the applicant to amend the 12th Avenue-Valencia Road Area Plan, Conceptual Land Use Map (Section 3 of 3) to change the land use designation on the subject parcels from Low Density Residential to Office (O-1 and O-2) to allow Adult Day Care and Administrative and Professional Office uses. The City of Tucson Planning Commission recommended approval of this change on March 24, 2026.

In 2025 *Plan Tucson*, the Future Growth Scenario Map designates the area of the amendment site as Neighborhoods Building Block. The typical land use mix in Neighborhoods are primarily residential, neighborhood-serving commercial, schools, parks and places of worship. *Plan Tucson* supports development projects designed to be compatible with the surrounding scale and character of existing development and protects and enhances the aesthetics attractiveness of Tucson streetscapes within neighborhoods. *Plan Tucson* supports contextually compatible neighborhood commercial, and office uses along collector streets when the site design is pedestrian and bicycle-oriented, and the use will not generate significant auto traffic. *Plan Tucson* also supports environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

The *12th Avenue-Valencia Road Area Plan*, Conceptual Land Use Map (Section 3 of 3) designates the amendment site for Low Density Residential. Additionally, the plan establishes policies that support non-residential uses onto residential parcels that demonstrate sensitivity to surrounding residential uses through the use of landscaping, screening, and other means, as specified in the plan's Design Guidelines, including the prohibition of parking or storage of commercial vehicles or fleets.

Project

The applicant's Preliminary Development Plan (PDP) depicts the westerly parcel (Lot 1) as an existing Adult Day Care facility totaling 6,080 square feet with an existing 5-foot-high CMU perimeter wall along the west and north property lines, along with 6 improved parking spaces, and trash collection. The existing Adult Day Care Facility, which is allowed in the R-1 zone, proposes to increase the number of clients (unlimited subject to maximum occupancy codes). O-2 zoning accommodates the increase in client number.

The applicant's submitted PDP depicts the easterly parcel (Lot 2) as a new proposed use of Administrative and Professional Office uses, with the conversion of an existing 1,700 square-foot single-family residence and existing 1,200 square-foot accessory structure. There is an existing 5-foot-high CMU perimeter wall along the west and north property lines, with proposed construction of 20 new parking spaces, trash collection, and a 10-foot landscape buffer along West Medina Road and South Lundy Avenue.

The PDP shall require shared parking between the two parcels in accordance with the recommended preliminary conditions.

Design Considerations

The site is currently zoned R-1 Urban Residence. Surrounding zoning is primarily R-1 to the north, south, and east, with C-1 immediately west. Nearby land uses include residences to the east, a utility substation to the south, a church to the north, and apartments under construction to the west.

Rezoning from R-1 to O-2 would allow expansion of the existing 6,080-square-foot Adult Day Care facility and conversion of a former 1,700-square-foot residence and 1,200-square-foot accessory structure to Administrative and Professional Offices. The O-2 zone is an appropriate transition between commercial and residential uses, allowing office uses only and prohibiting outdoor storage, workshops, and commercial vehicles.

Compatibility is further supported because operations occur during the day only, with no overnight occupancy. Maximum building height in O-2 is 26 feet, comparable to the existing R-1 limit of 25 feet. Existing masonry walls along the north, east, and west boundaries, along with existing and future landscaping, provide buffering and screening. Improved driveways and on-site parking along West Medina Road and South Lundy Avenue will limit access points and reduce internal

The Preliminary Development Plan shows the existing 6,080-square-foot Adult Day Care building (13.4 feet high) and the existing former residence/office with storage shed (13 feet high). Both are below the 26-foot O-2 height limit and compatible with nearby one-story residences and multifamily buildings.

The Adult Day Care building includes sloped roofing and façade variation along West Medina Road. The office building retains residential character compatible with nearby homes. Existing

setbacks exceed UDC minimum standards, and varied setbacks, parking placement, and landscaping reduce impacts on adjacent properties.

Parking areas will be paved and landscaped. Twenty off-street spaces are proposed, including shared parking. Sidewalks, ADA access paths, and bicycle parking are included. Any future trash, loading, or unloading areas must be screened. Landscape planters with shrubs, cactus, and trees, along with water-harvesting features, will improve site appearance.

Defensible Space and Lighting – Site layout, building orientation, code-compliant lighting, and separation between buildings support defensible space principles and improve safety and visibility.

Signage – Any existing or future signage must comply with Unified Development Code standards.

Drainage / Grading / Vegetation – The site is relatively flat, with drainage generally flowing southeast to northwest. It is developed, urbanized, outside any regulated floodplain, and not subject to a floodplain use permit. No riparian habitat or significant vegetation exists on site.

Road Improvements – West Medina Rd. is a two-lane local street with planned 60-foot right-of-way under the *Major Streets and Routes Plan*. South Lundy Road has a 50-foot right-of-way. Existing and proposed driveways must meet city standards. Sidewalks already exist at the northwest corner of West Medina Road and South Lundy Avenue.

Landscaping and Screening – Lot 2 currently has minimal landscaping and existing screen walls. The proposed plan includes a 10-foot landscape buffer of approximately 3,500 square feet and landscaping similar to Lot 1, designed to preserve sight visibility and meet UDC standards.

Existing Utilities – The site is served by Pima County Regional Wastewater Reclamation Department, lies within Tucson Water service area, and receives electrical service from TEP.

Cultural Resources – The property has been fully graded, is not within a historic district, and is surrounded by development. If cultural remains are discovered during construction, the City Historic Preservation Officer will be consulted.

Public Hearing Summary

At the April 9 public hearing, the applicant's agent presented a PowerPoint describing the proposed project. During the presentation, the agent clarified that occupancy would also be limited by a ratio of 10 clients per bathroom, and that the facility contains five bathrooms. No members of the public appeared or testified regarding the project.

CONCLUSION

The proposed rezoning is consistent with, and supported by, the policy direction provided in 2025 *Plan Tucson* and the 2001 *12th Avenue-Valencia Road Area Plan*, subject to approval by Mayor and Council of the plan amendment recommended by the Planning Commission on March 24, 2026 and to compliance with the attached preliminary conditions.

RECOMMENDATION

The Zoning Examiner recommends APPROVAL of rezoning TP-ENT-1025-00018, from R-1 to O-2 subject to the attached preliminary conditions.

Sincerely,



Linus B. Kafka
Zoning Examiner

ATTACHMENTS:

- Preliminary Conditions
- Case Location Map
- Rezoning Case Map
- Aerial Map
- Public Hearing Minutes
- cc: City of Tucson Mayor and Council

PROCEDURAL

1. A development package in substantial compliance with the Preliminary Development Plan (PDP), dated October 22, 2025, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (l) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during any future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. The existing masonry CMU walls shall be preserved along the north, west and portion of the east property lines. All existing walls shall be painted an earth-tone color.
7. Graffiti on walls or on any other location on site shall be removed within seventy-two (72) hours of discovery.
8. The Property site shall utilize reasonable passive rainwater harvesting techniques, such as water harvesting basins and desert-adapted vegetation, to enhance the proposed landscape and preserve water resources.

EXISTING ROAD/VEHICULAR ACCESS/PEDESTRIAN CIRCULATION

9. All offsite improvements required with the development, such as street improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.
10. A shared parking agreement shall be required between Lots 1 and 2.

TUCSON AIRPORT AUTHORITY

11. The property owner must record an Avigation Easement that discloses the existence and operational characteristics of the Tucson International Airport to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall be recorded in a manner with the Pima County recorder which shall document it as having title liability. The content of such documents shall be according to the form and instructions provided. Any questions or concerns should be sent to srobidoux@flytucson.com or to 520-573-4811.

Scott Robidoux, Manager of Planning, C.M.
Tucson Airport Authority
7250 South Tucson Boulevard, Suite 300, Tucson, AZ 85756

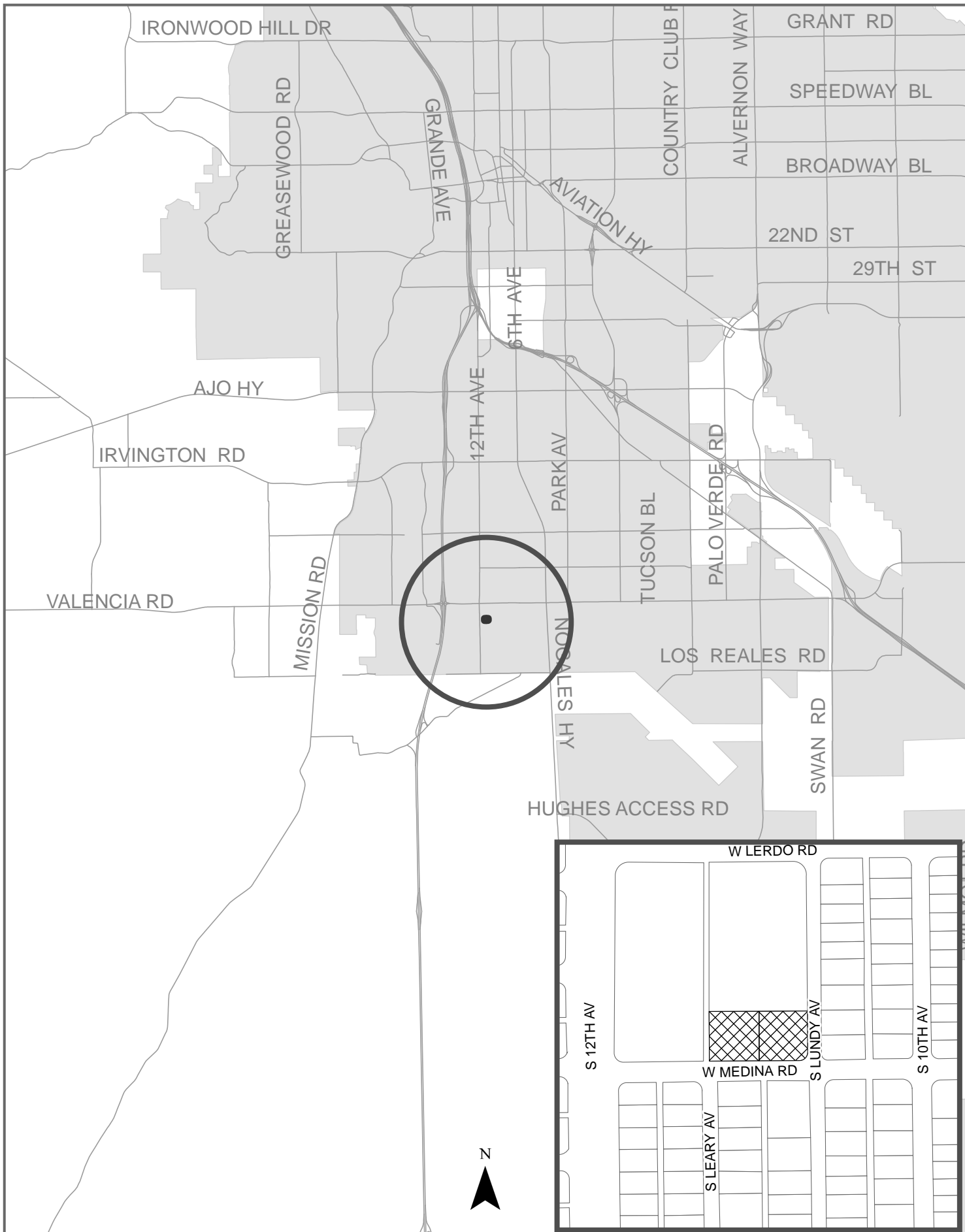
DRAINAGE

12. Balanced basin detention and first flush retention requirements would apply for the proposed development as directed by Site Engineering.

RECLAMATION DISTRICT


13. Pima County Wastewater Reclamation provides the condition that the owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

TP-ENT-1025-00018

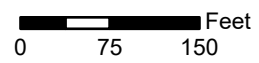


TP-ENT-1025-00018 - 402 and 430 W MEDINA RD



 Area of Rezoning

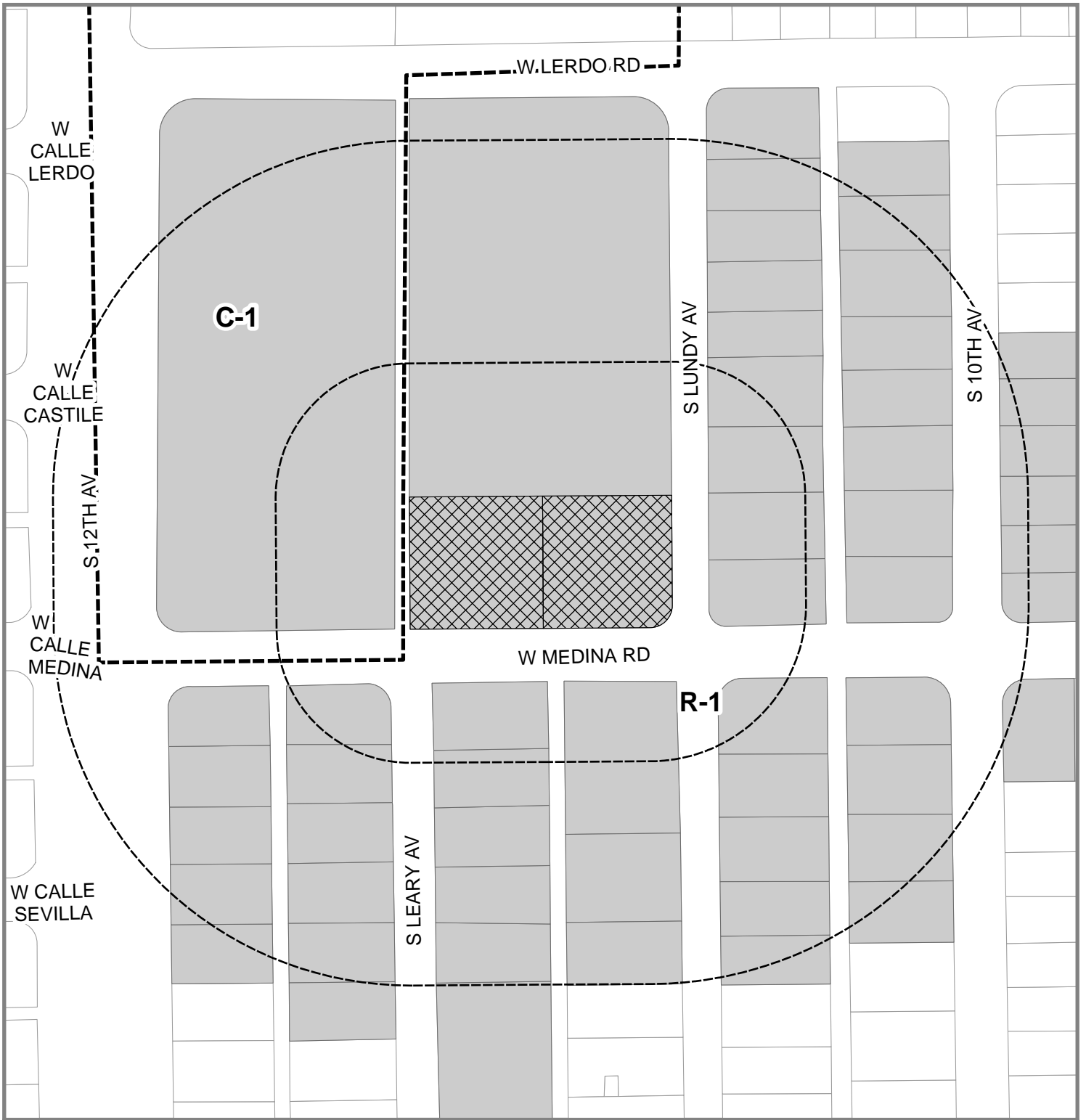
Address: 402 and 430 W MEDINA RD
Base Maps: Twp.15S Range13E Sec. 13
Ward: 1



1:1,933



TP-ENT-1025-00018



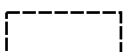
Area of Rezoning



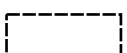
Zone Boundaries



Properties Notified

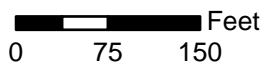


400' Notification Area



Protest Area (150 ft. Radius)

Address: 402 W MEDINA RD
Base Maps: Twp. 1503 Range 1302 Sec. 13
Ward(s): 1



1:1,878



CITY OF TUCSON ZONING EXAMINER
PUBLIC HEARING

APRIL 9, 2026

402 and 430 West Medina Road (Ward 1)
(Case No. TP-ENT-1025-00018)

Ponderosa Dispensary
25 East Blackledge Drive (Ward 3)
(Case No. TP-ENT-0126-00001)

Dental Wise
404 North Alvernon Way (Ward 6)
(Case No. TP-ENT-0126-00003)

ZONING EXAMINER:

- Linus Kafka

STAFF PRESENT:

- Jay Olivas
City of Tucson
Planning and Development Services Department
- John Beall, Section Manager
City of Tucson
Planning and Development Services Department

APPLICANTS/AGENTS PRESENT:

- Nathan Cottrell
KAEKO, Inc.
12409 West Indian School Road, Unit #C303
Avondale, Arizona 85392
- Gammage & Burnham
40 North Central Avenue, 20th Floor, Unit FL 20
Phoenix, Arizona 85004
- Lexy Wellott
The Planning Center
2 East Congress Street, Suite 600
Tucson, Arizona 85701

1 ZONING EXAMINER: It is 6:00 o'clock on Thursday,
2 April 9th. Welcome to tonight's Public Hearing. My name is
3 Linus Kafka. I'm one of the Zoning Examiners for the City of
4 Tucson. We have three cases scheduled for Public Hearing
5 tonight, and we'll take the cases as they're listed on the
6 agenda, in that order.

7 Before we begin, if everybody could -- I'm going to do
8 this myself -- if everybody can mute their phones or put them on
9 silent. My phone now requires me to go through three steps to
10 turn it complete- -- to turn it off.

11 As Zoning Examiner, I conduct rezoning hearings and
12 special exception hearings on behalf of the Mayor and Council. I
13 make findings of facts which I put into a written report, along
14 with my recommendation, which I send to the Mayor and Council for
15 their consideration and for their final decision in rezoning
16 cases. My reports will be based on the information submitted to
17 me, which includes the rezoning application or the special
18 exception application, the Staff Reports, written approvals and
19 protests, correspondence, and any testimony that is given at
20 tonight's hearing. I'll also include in the record -- excuse me
21 -- all documents submitted to me up to the close of the Public
22 Hearing.

23 Tonight's proceedings are being recorded. When I call
24 on you to come forward and testify, please speak clearly into the
25 microphone right over here, and begin your testimony by stating

1 your name and address. There's also a sign-in sheet.

2 So, we do have three separate hearings as I said. We
3 have rezoning cases and special exception cases. For the
4 rezoning cases, I'll complete a Preliminary Report within five
5 working days after the Public Hearing has closed. I'll then
6 prepare a Final Report which will be issued 14 days after the
7 Public Hearing is closed. For the special exception cases, the
8 process after tonight is that I'll issue a final recommendation
9 to the Mayor and Council within five days after the Public
10 Hearing is closed. If you'd like to receive a copy of the
11 recommendations or reports, and you're not listed already as a
12 party of record, you want to see those reports, you can send an
13 email to Tucsonrezoning@tucsonaz.gov -- that's even if it's a
14 special exception, you can send it to Tucsonrezoning@tucsonaz.gov
15 -- or you can call the Tucson Planning and Development Services
16 Department. Copies will also be made available through the PDS
17 website. For the rezoning -- and my Final Report and my
18 recommendation on the special exception will be sent to the Mayor
19 and Council for any scheduled Public Hearings on those cases.
20 The Mayor and Council will then vote on the matter based on the
21 recommendation, along with other factors that they take into
22 consideration.

23 So, here's how tonight's Public Hearings will proceed:
24 First, Planning and Development Services Staff will give their
25 report. Well, first, I'll open the Public Hearing for the agenda

1 item. Then PDSO will give their report. The Applicant will come
2 forward to give their presentation. And then anybody from the
3 public can come and speak on the matter and testify. Then the
4 Applicant may respond to those issues raised during the -- during
5 the hearing. And, throughout the hearing, I may ask some
6 questions of presenters.

7 For those of you who plan to speak or present tonight,
8 I request that you stand and raise your hands so I can swear you
9 in. So, if anybody's presenting tonight. Do you swear to tell
10 the truth, the whole truth and nothing but the truth? All right.
11 Thank you.

12 Then let's begin. The first case on the agenda this
13 evening is Case No. TP-ENT-1025-00018, 402 and 430 West Medina.
14 And Mr. Olivas -- Olivas.

15 MR. OLIVAS: Good evening. Thank you. Jay
16 Olivas, City Planning Staff. This is a request by KAEKO, Inc.,
17 to rezone two parcels at 402 and 430 West Medina Road, totaling
18 approximately one acre from the R-1, Urban Residence Zone, to the
19 O-2, Office Zone. The parcels are located approximately 330 feet
20 east of South 12th Avenue, on the north side of West Medina Road.

21 The Applicant with the proposed rezoning is seeking to
22 increase the number of allowed clients at the existing adult
23 daycare business, which is Lot 1, and convert an existing single-
24 family residence, which is Lot 2, to an administrative and
25 professional office. There are existing structures on both Lots

1 1 and 2 under the current R-1 zoning, with recent improvements
2 completed on Lot 1 for the adult daycare, including pedestrian
3 access, landscaping and parking.

4 The rezoning held a neighborhood meeting on August
5 25th, 2025. And at the neighborhood meeting, there were some
6 basic issues raised by the residents that attended the
7 neighborhood meeting. The key points were potential lack of
8 notification regarding a separate and unaffiliated project in the
9 area, distribution not including the Barrio Nopal Neighborhood
10 Association, and potential concern about property taxes in the
11 area that may be impacted as the result of the proposed rezoning.
12 All these issues at the neighborhood meeting were addressed and
13 they are described in our Staff Report in further detail.

14 The rezoning site on West Medina Road is subject to
15 2025 Plan Tucson. The Future Growth Scenario Map designates the
16 area of the rezoning site as a Neighborhoods Building Block. The
17 subject site is also subject to the 2001 12th Avenue-Valencia
18 Area -- Valencia Road Area Plan. On this area plan, the subject
19 site is designated currently Low-Density Residential.

20 There is a related plan amendment case that coincides
21 with the rezoning that was heard separately; that related case is
22 TP Amendment 1025-00001. And the plan amendment is to -- for the
23 Valencia Road Area Plan is to change the land use designation on
24 the subject parcels from the current Low-Density Residential to
25 -- to Office in order to allow the daycare -- adult daycare and

1 administrative professional offices. The plan amendment went
2 through a hearing -- recent hearing on March 18th at the Planning
3 Commission for the plan amendment and there -- it was supported
4 by the Planning Commission and will be going to the Mayor and
5 Council.

6 In terms of project background, the Applicant's
7 Preliminary Development Plan depicts the westerly parcel, Lot 1,
8 as an existing adult daycare facility totaling 6,080 square feet.
9 The existing adult daycare facility, which is currently allowed
10 in the R-1 zone, proposes to increase the number of clients to
11 unlimited, subject to maximum occupancy codes. In order to
12 increase the number of clients from ten, the site needs to be
13 rezoned, such as proposed with the O-2 zoning; and that's for Lot
14 1.

15 The Applicant submitted a Preliminary Development Plan
16 for Parcel 2 -- depicts the proposed use for administrative and
17 professional offices. And that would be the conversion of an
18 existing 1,700-square-foot single-family residence and existing
19 1,200-square-foot accessory structure to the offices --
20 professional offices.

21 In terms of design considerations, land use
22 compatibility, the project site, as noted, is currently zoned R-
23 1, Urban Residence, and the prevalent zoning pattern along West
24 Medina Road and immediate surrounding roads is R-1 to the north,
25 south and east, with C-1 immediately to the west. The proposed

1 Office zone with the rezoning to O-2, is considered a good
2 transition zone between commercial and residential uses in the
3 immediate area. With this proposed rezoning to O-2, Office, the
4 zone -- that zoning, O-2 zoning, allows maximum heights up to 26
5 feet, similar to and consistent with the existing R-1 zone
6 allowing heights up to 25 feet. The proposed rezoning
7 facilitates the existing daycare facility and adaptive reuse of
8 existing residential office building along a key corridor, where
9 there's existing infrastructure in place and strong urban
10 activity.

11 In terms of design compatibility, the adult daycare
12 facility building will have a sloped -- has a sloped roof with
13 square pop-out type architecture fronting on West Medina Road
14 which provides visual relief. The proposed office, which is an
15 existing -- currently existing single-family residence, is
16 compatible with existing single-family architecture across the
17 street to the east and immediate surrounding area. For design
18 compatibility also, the varying setbacks and proposed onsite
19 parking, improvements and enhanced landscaping provide site
20 relief to mitigate any adverse impacts to the surrounding area.
21 The -- additionally, the parking-related improvements will
22 improve design compatibility of the project to the area and
23 mitigate negative impacts regarding vehicle parking needs.
24 Additionally, landscaper planters, including shrubs, cactus, and
25 trees, as depicted on the Preliminary Development Plan, will also

1 mitigate negative visual impacts to the surrounding area.

2 In conclusion, the proposed rezoning is consistent
3 with, and supported by, policy direction provided in 2025 Plan
4 Tucson and the 2001 12th Avenue-Valencia Road Area Plan as
5 proposed to be amended. Subject to compliance with the attached
6 Preliminary Conditions, approval of the requested O-2 zoning is
7 appropriate.

8 In terms of the approval/protest calculations, we've
9 received zero approvals and zero protests for the rezoning. We
10 would like to note there was one neutral letter from the notice
11 from a person, but the letter was not about the project but was
12 included to be part of the record. That concludes Staff's
13 presentation.

14 ZONING EXAMINER: Thank you. And I -- I did get a
15 copy of that supplemental letter.

16 Is it Mr. -- Mr. Cottrell?

17 MR. COTTRELL: Good evening. Is that working?
18 Good evening. Nathan Cottrell, KAEKO Engineering, 12409 West
19 Indian School, up in Avondale, representing Raul Ibarra, the
20 owner.

21 Let's see if I can -- what am I supposed to be pointing
22 at with this thing there? There you go. Kind of hard to see
23 there. Thank you for the Staff presentation. I'm sure you've
24 seen these graphics before. I just wanted you to see the aerial
25 with the residential on that south and the east side. There's

1 our site in the yellow. And you can see on our west side is the
2 commercial in the aerial. It's not developed, but it is being
3 developed. There is a project there, C-2. On our north side,
4 it's zoned R-1, but it is a church, it's a religious facility.
5 And so this O-2 potential is a great transition between those
6 uses and the residential. You can see here that same C-1 and the
7 R-1 next to it, with our project right there on the boundary.
8 And so we are proposing that O-2, just those two parcels.

9 Here's our site. If you haven't seen this before, on
10 the west side there is the existing adult care facility allowed
11 under the R-1, but under the R-1 it has a restriction on the
12 number of occupants. So, under the O-2, that would be unlimited,
13 just limited to the physical building code on it. And so we're
14 not proposing any changes to that, we're just going to use the
15 building to its potential.

16 On the east lot is the existing home, single-family,
17 one-story, that we're going to be converting to the professional
18 office space. So, parking, everything on there, pulling all the
19 parking off the street. So, it's actually a much better
20 improvement for the neighborhood, sidewalk, landscaping,
21 everything else, making sure that we're compatible with -- with
22 those.

23 The -- you saw there was no objections from the
24 neighborhood. We think it's a great project. We agree to all
25 the stipulations. We think this is something that can be

1 approved and we request the approval.

2 Do you have any questions?

3 ZONING EXAMINER: There's apparently a parking
4 agreement that you've put together for --

5 MR. COTTRELL: Correct.

6 ZONING EXAMINER: -- Parcel 2 to be overflow
7 parking for Parcel 1.

8 MR. COTTRELL: Correct. So, the parking agreement
9 has to be in place; that's one of the stipulations. And we will
10 enact that with an easement, or whatever agreement we have to do,
11 that allows that use on the adult care facility to have the
12 correct number of beds in the rooms that we've got. The
13 employees will park on the next-door lot.

14 ZONING EXAMINER: Do you have an anticipated
15 number of the capacity or usage? I know it's limited by the
16 occupancy rules, but --

17 MR. IBARRA: So, the state allows ten clients per
18 bathroom and the building has five. So, 50 clients plus the
19 staff, you know, just depending.

20 ZONING EXAMINER: All right. Okay. I don't have
21 any other questions. Does anybody have any questions on this
22 matter?

23 MR. COTTRELL: Thank you.

24 ZONING EXAMINER: Thanks. Any follow-up from
25 Staff? All right.

1 Seeing no questions from anyone in the audience, I will
2 now close the Public Hearing in TP-ENT-1025-00018, the 402 and
3 430 West Medina property.

4 Just getting ready for the -- okay. I'm now going to
5 open the Public Hearing for Case No. TP-ENT-0126-00001, Ponderosa
6 Dispensary, 25 East Blacklidge Drive. And, Mr. Beall, I believe
7 you're giving the Staff presentation on that.

8 MR. BEALL: This is a request by Gammage & Burnham
9 on behalf of Pitchfork Partners, LLC, for approval of a Mayor and
10 Council Special Exception Land Use to allow the expansion of an
11 existing marijuana dispensary. The project site is 0.83 acres
12 located at the northeast corner of North Stone Avenue and
13 Blacklidge Drive.

14 A previous case on the property, the existing
15 dispensary business is currently a nonconforming land use
16 previously developed in 2023 and was open in December of 2024 as
17 a dispensary. The Applicant's project, again, is an expansion of
18 an existing marijuana dispensary to add a drive-thru window and
19 interior storage area through the Mayor and Council Special
20 Exception Procedure in accordance with UDC § 3.4.4.

21 The project building site sits on the eastern half of
22 the property, with the main parking lot located to the west of
23 the building, and small employee parking area located to the east
24 of the building. There are three entry points to the property
25 using existing curb cuts. Two entries are located on East

1 Blacklidge Drive, and the third entry on North Stone Avenue
2 bordering the west property line.

3 The proposed use is compatible with established
4 commercial land uses along North Stone Avenue, which is an
5 existing arterial road. There's a design consideration --
6 actually a comment from the Department of Transportation and
7 Mobility -- that a right-turn-only sign with driveway design will
8 be placed so that traffic exiting the site from the drive-thru
9 west-to-east along East Blacklidge encourages traffic towards the
10 arterial street; therefore, promoting bicycle and pedestrian
11 safety through removal of radius turns away from the residential
12 homes to the east. This is also a condition -- that's one of the
13 conditions.

14 The proposed Special Exception is consistent with Plan
15 Tucson, and in compliance with performance criteria of UDC §§
16 3.4.4, 3.4.5, 4.8.6, and 4.9.9. Subject to compliance with the
17 attached Preliminary Conditions, approval of the Special
18 Exception Land Use in the C-2 zone is appropriate.

19 As of -- to date, today's date, there's been zero
20 approvals, zero protests; however, Staff did receive a protest
21 letter from the Bronx Neighborhood Association, and their concern
22 was primarily about traffic impact along the future Blacklidge
23 Bike Boulevard.

24 ZONING EXAMINER: Thank you, Mr. Beall.

25 Is the presenter Michelle Santoro?

1 UNIDENTIFIED FEMALE: (Audio cuts out.) Thank you
2 so much for having me here tonight. Again, Gammage & Burnham, 40
3 North Central, Phoenix, Arizona, 85004. So, not only is Michelle
4 Santoro with me here, but I also have the owner/operator, Michael
5 O'Brien, as well as the Applicant -- I'm the Applicant -- as well
6 as the architect, Raymond Rash.

7 I will do my best not to be duplicative -- not to be
8 duplicative of what Staff said. Staff gave a great presentation.
9 Again, this is an existing dispensary located at the corner of
10 Stone and Blacklidge -- Blacklidge. So, the history again was
11 described. This was originally approved prior to the Special
12 Exception process, and so that's why we're here now. Again, this
13 is an owned and operated 3,806-square-foot compliant marijuana
14 dispensary, with some additional administrative and professional
15 offices, and it has been in operation with no problems. We have
16 a twice annual unannounced inspections from the Arizona
17 Department of Health Services and have passed every one.
18 December 20th, 2020, the Tucson ordinance changed and, therefore,
19 required the Special Exception process for any marijuana uses or
20 modifications of this -- of this size. So, that's why we're here
21 this evening. So, thank you so much.

22 The existing building is 6,050 square feet. So, it's
23 important, Hearing Officer, we are not looking forward to --
24 we're not making any exterior changes to the building other than
25 modifications required for the drive-thru. Everything is in

1 inside. So, right now we are using 3,806 square feet, but
2 there's another 2,244 square feet of unoccupied storage. As you
3 can tell, we are very compliance-oriented as for the fact that we
4 wanted to ensure that -- that we get approval from you and from
5 Mayor and Council hopefully in order to -- to move forward and
6 use that space.

7 So, again, this request is to incorporate the
8 additional 2,244 square feet; 804 square feet of it will be used
9 for the drive-thru and a staging area; and then the other 1,440
10 square feet is for additional square footage. So, it'll be nice.
11 With this Special Exception, the entire building can be used, as
12 opposed to now there's portions of it that cannot be used.

13 So, this is the floor plan -- I believe it was in file
14 -- but to depict -- again, the blue is the existing dispensary
15 floor area that's been operation -- operational in compliance
16 with the City of Tucson, as well as Department of Health
17 Services. The orange building, the little kind of shootout
18 there, that's additional -- that'll be used for additional
19 storage. We do not plan to -- right now it'd be illegal for us
20 to put any product or anything in there. We just want to be able
21 to use that area. And then in purple is the new storage staging
22 area for the drive-thru, as well as the addition of the drive-
23 thru window.

24 Here is the Site Plan. Again, as described by Staff,
25 we've got Stipulation 10 that I will tell you we are in full

1 agreement with. And it's hard to see, especially here so small,
2 but all of the traffic for the drive-thru must enter off Stone,
3 and then you can see itty-bitty little cars, kind of a staging
4 area that will go in front of the dispensary. Down kind of at
5 the corner of the purple box there, you can see on the
6 improvements what we are going to do in order to -- to satisfy
7 Stipulation 10, and we are in full -- full agreement to limit --
8 to do right-lane-only at the furthest end of the drive-thru. And
9 there is no ability to drive in on that first drive-thru on
10 Blacklidge -- Blacklidge and enter the drive-thru. Because of
11 those improvements, there's a little triangle, although it's hard
12 to see, you cannot turn in off there and enter the drive-thru.
13 You have to enter off Stone and queue appropriately. And we'll
14 make sure that the modifications are in place. If someone tries
15 to do it the first time, they won't do it again.

16 Here is a view of the elevations of the proposed use,
17 if approved, with the expansion of the drive-thru. We will meet
18 all the screening requirements. And, frankly, I would submit to
19 you, you know, make the building look better than it did.
20 Raymond, the architect, did a really fabulous job on here.

21 I'm going to walk through the five tests in a second,
22 but I think this is demonstrative of how we are making the area
23 better. There actually are numerous reports in the City of
24 Phoenix of areas at dispensaries -- even cultivation and infusion
25 -- when they go in with all the cameras in place, with the

1 cooperation with first responders, getting eyes on the area,
2 dispensaries really have proven to not only aesthetically elevate
3 areas in part of town, but really make them safer in terms of
4 engagement with neighborhood groups, all the cameras. First
5 responders in Gilbert actually went to the dispensary, they're
6 having an issue with a stolen credit card, and they did a
7 stakeout and -- and through work between -- and it's not this
8 operator, but a different operator in Gilbert, they were able to
9 find the guy. So, you know, car accidents, all those things.
10 Dispensaries have proven to actually be great partners of first
11 responders.

12 So, this is what exists today. So, I would submit to
13 you it's a much better, safer location, aesthetically better.
14 And this will be, if approved today and ultimately by Council,
15 existing again is at the top, and the proposed is to the south.
16 I think the -- the addition of the drive-thru will add to the
17 aesthetics and -- and the look of the neighborhood as well.
18 We'll tell you there are a lot of rules with the Department of
19 Health Services to ensure that this is a safe and secure
20 operation.

21 There are other dispensaries in -- in Tucson that have
22 drive-thrus, as well as in the -- in the balance of the state.
23 There have proven to be no issues. Dispensary drive-thrus
24 typically do not add any more traffic. It is just an extra
25 amenity. The major of the people that choose to use the drive-

1 thru have either medical concerns, are elderly, and/or have pets.
2 There's an amazing number of people who like to bring their pets
3 with them everywhere they go and they are not allowed in
4 dispensaries, and so if they're in their car, they can pick up
5 their product and keep their pet with them.

6 So, there are five findings that we have to meet coming
7 forward with a recommendation of approval from Staff, and I would
8 agree that we meet the findings. Again, the first one that will
9 meet the standards expressly applied by the adopted codes,
10 regulations, type of land use, land use class that are proposed
11 for the use. Again, it's an existing dispensary. We are in
12 compliance with the -- the existing zoning and have had no
13 problems in operation here with either the City of Tucson or the
14 Arizona Department of Health Services.

15 Finding number two: Does not adversely affect land
16 uses, surrounding neighborhoods, such that adverse effects can be
17 substantially mitigated through the use of additional conditions.
18 Again, we have 11 conditions and we are okay -- we are supportive
19 of all of them and agree to all of them. Again, I would say the
20 drive-thru will help the customer base. Again, it does not add
21 to traffic. It's simply a service for those that need it, you
22 know, who -- who use -- who use the product for clients or
23 medical patients or adult use -- use.

24 And then, again, the security plan that's required to
25 be on file with the -- with the State of Arizona, we have --

1 there's -- I've not heard any problems in the state where there
2 have been any security issues with drive-thrus in dispensaries
3 because there is so much security that goes into place. And I
4 would also submit to you far less intense than many other uses
5 that are allowed in C-2, such as a Circle K or something like
6 that, far less traffic and far more secure.

7 Number three: Adequate and efficient
8 vehicular/pedestrian access, as well as circulation. We are
9 required 22 parking spots; we have 36. And then, again, with
10 Stipulation or Condition No. 10, doing everything to mitigate
11 vehicular traffic into the residential neighborhood and trying to
12 keep most traffic off of Stone.

13 Four: Can adequately and efficiency be served by
14 public facility services, such as water, stormwater, fire,
15 police. Again, we have been operational in our 3,000-plus --
16 3,800-square-foot dispensary. We already have water, sewer, and
17 have worked with fire and police. So, I submit to you we meet
18 that.

19 Last one, five: Complies with the General Plan,
20 applicable subregional, area, or neighborhood plans. Again, this
21 is already zoned, designated for commercial use. There are far
22 more intense commercial uses that are allowed in this zoning
23 category that would be allowed here. So, you know, with the
24 pictures -- which I know you just have to find we meet the test
25 -- but I'd say we -- we comply with the zoning. We comply with

1 the general plan and will be an asset not only for -- for our
2 customers but also the neighborhood.

3 So, with that, respectfully request approval. And I
4 stand for any questions.

5 ZONING EXAMINER: Did -- did you receive or get a
6 copy of the written comment regarding the Blackledge Bike
7 Boulevard from the President of the Bronx Park Neighborhood
8 Association?

9 UNIDENTIFIED FEMALE: Hearing Officer, I did. We
10 have a copy of it here. Thank you to Staff for sharing it with
11 us. I -- we did follow up with Staff after we received that
12 comment. I believe that Stipulation 10, and the improvements
13 that we are making, as well as our queuing coming on and off of
14 Stone, we will encourage all of our customers to do that. As
15 well as -- again, unlike a McDonald's or something where you just
16 -- Starbucks, you just, oh, gosh, I would like a coffee and you
17 just kind of pull in -- again, dispensary traffic is normally
18 planned, organized, clients who are used to the area. So, very
19 much support all ped and bicycle access, and I believe working
20 with Staff that we -- we realized that potential problem earlier,
21 and the mitigation in place is satisfactory to alleviate these
22 concerns.

23 ZONING EXAMINER: Is Ms. Scholz or anybody from
24 the neighborhood association here this evening? Before I ask if
25 anybody wants to speak about the project, the letter from Ms.

1 Scholz is in the record. I just want to acknowledge it, but I
2 also -- for the record, I'll -- I may integrate that into the
3 recommendation.

4 I think the Blackledge Bike Boulevard plan does
5 incorporate some of the traffic suggestions that Ms. Scholz is
6 referring to -- and that's separate and apart from the proposed
7 project, but it's -- I think it is part of the City's plan as
8 part of the Blackledge Bike Boulevard construction to do some of
9 the things there. Just as a note. I don't have any other
10 questions for you.

11 UNIDENTIFIED FEMALE: Perfect. Thank you. And
12 that's a good FYI that that's forthcoming and that --

13 ZONING EXAMINER: Yeah, I -- that's my
14 understanding. I think Staff can confirm that as well, yeah.
15 And I --

16 UNIDENTIFIED FEMALE: Thank you.

17 ZONING EXAMINER: -- already kind of asked --
18 yeah, thank you -- if anybody else was here to speak on this
19 case. These are -- you're all supporters. Okay.

20 In that case, with that notation about the letter from
21 the neighborhood association -- a neighborhood association,
22 'cause it's not the neighborhood association, a nearby
23 neighborhood association -- I will hereby closed Case No. TP-ENT-
24 0126-00001, Ponderosa Dispensary. Thank you. And why do we have
25 to have so many zeroes? I have to slow down and -- it's like

1 reading a bank card. All right.

2 The next case on the -- yes, thank you. Have a safe
3 drive back to Phoenix if you're heading back to Phoenix tonight.
4 Thank you. Yes. The next case on the agenda this evening is
5 Case No. TP-ENT-0126-00003, Dental Wise, 404 North Alvernon. And
6 Mr. Olivas.

7 MR. OLIVAS: Thank you. Good evening. Jay
8 Olivas, Planning Staff. This is a request by The Planning Center
9 on behalf of Dental Wise, for approval of a Zoning Examiner's
10 Special Exception Land Use to allow expansion of a commercial
11 medical services outpatient use, excluding blood donation
12 centers, for a dental office remodel. The project site is
13 located at the northwest corner of North Alvernon and East Holmes
14 Street, more specifically at 404 North Alvernon Way. It consists
15 of an existing commercial office building on a 0.43-acre parcel.
16 The subject parcel is currently zoned Urban Residence, R-3.

17 For the proposed Special Exception, there was public
18 outreach. The Applicant's team held a neighborhood meeting on
19 December 29th, 2025. No members of the public attended the
20 neighborhood meeting. Additionally, no calls or emails for this
21 meeting were received according to the Applicant's information.

22 The project site is subject to Plan Tucson 2025. The
23 proposed use -- site is located within the Mixed-Use Corridor
24 Building Block of the Future Growth Scenario Map. The Special
25 Exception site is also subject to the Alvernon-Broadway Area

1 Plan. The area plan designates the subject property as
2 Office/High-Density Residential.

3 In terms of project background, the Zoning
4 Administrator has previously determined that the project is a
5 legal nonconforming use that is proposing an expansion. The use
6 expansion triggers a Zoning Examiner's Special Exception and
7 compliance with use-specific standards 4.9.4.O.2, 4.9.4.P.1, 2.a,
8 3 and 4.I.

9 The project was reviewed for land use compatibility.
10 The specific building is -- will expand an existing 2,424-square-
11 foot commercial office building with a 516-square-foot addition.
12 The project site with the existing building is surrounded by
13 existing commercial medical outpatient office building to the
14 north, a hotel to the south, and existing single-family dwellings
15 to the east and west. The surrounding zones and land uses will
16 be buffered by proposed site improvements, such as block walls,
17 along the northerly and westerly perimeters, with additional
18 landscaping.

19 The proposed Special Exception for the medical
20 service/dental office use totaling 2,940 square feet is unlikely
21 to directly affect nearby property owners in a negative way due
22 to corner street location as prior medical service office use
23 with existing street improvements and onsite parking.

24 In terms of design compatibility, the Applicant's
25 Preliminary Development Plan shows the project consisting of a

1 prior dental -- dentist's office that is vacant. The building is
2 circa 1965. It was recently purchased by a new dentist and has
3 planned for a major renovation with minor additions to the
4 building, utilizing existing parking pavement area with new site
5 improvements.

6 Vehicle access to the project site is provided from
7 North Alvernon Way and East Holmes Street. Parking calculations
8 for the expansion are similar to the previous use in the existing
9 building to be remodeled, and there are minimal proposed changes
10 to existing parking other than repaving, striping, and new tree
11 islands.

12 The existing building will be improved with a new roof
13 that allows greater interior ceiling heights. The improvements
14 will not alter the building's function or add additional stories,
15 ensuring the privacy of adjacent residential properties to the
16 east of the alleyway and west of North Alvernon Way will be
17 maintained. As indicated, new landscaping will be added to
18 enhance the buffer between the property and neighboring
19 residences.

20 In conclusion, the proposed Special Exception is
21 consistent with Plan Tucson 2025, and in compliance with
22 performance criteria of UD sections -- UDC §§ 3.4.3, 3.4.5,
23 4.8.4, and 4.9.4. Subject to compliance with the attached
24 Preliminary Conditions, therefore, approval of the Special
25 Exception Land Use in the R-3 zone is appropriate.

1 In terms of the approval/protest calculations, there
2 were two approvals received. And that concludes Staff's
3 presentation.

4 ZONING EXAMINER: Thank you. Is it Ms. Wellott?
5 Thanks.

6 MS. WELLOTT: Good evening, Mr. Kafka and John and
7 Jay. Lovely to see you all. My name is Lexy Wellott and I'm
8 with The Planning Center. We're located at 2 East Congress here
9 in downtown Tucson. I'm also joined this evening by Dr.
10 Rodriguez, the -- the owner of Dental Wise, as well as Joseph
11 Maher, our architect, who's been helping design the expansion of
12 the building there.

13 I have a really brief presentation. Mr. Olivas did a
14 great job going through the history of the site and the merits --

15 ZONING EXAMINER: Regarding the presentation --

16 MS. WELLOTT: I was going to ask --

17 ZONING EXAMINER: -- you have the PDF, so you
18 might have to say next slide. Oh, it works. Okay.

19 MS. WELLOTT: Very good.

20 ZONING EXAMINER: I apologize for interrupting.

21 MS. WELLOTT: Yeah, no worries, no worries. But,
22 again, thank you so much for having us here today. As Mr.
23 Olivas, noted, the property we're looking at requesting a Zoning
24 Examiner's Special Exception for is located at the northeast
25 corner of Alvernon Way and East Holmes Street, which is about .3

1 miles north of Broadway Boulevard there.

2 The property is currently developed with a 2,400-
3 square-foot building that has been there since roughly 1965, and
4 has historically had medical office users up until, I believe,
5 you know, 2023/2024, somewhere in the recent years here, and --
6 and most recently was a dentist's office. The property is
7 currently zoned R-3. To the north, it's zoned O-3, with medical
8 office uses. And then south of us across Holmes Street is Lodge
9 on the Desert there. So, along a rather commercial corridor on
10 the west side there. And then on either side of the property,
11 separated by a right-of-way to the east and west, are
12 residentially-zoned properties there. As indicated by Mr.
13 Olivas, our proposal here which is warranting the Special
14 Exception is the 500 -- 500-square-foot expansion to modernize
15 the building so that it functions in a much more suitable way for
16 dental practice, et cetera, as opposed to what was constructed
17 back in 1965 or so.

18 As a part of the improvements, in addition to the 500-
19 square-foot expansion, we're looking to install a new sidewalk
20 along Holmes Street, which currently does not exist, as well as
21 some new pedestrian access paths adjacent to the building and out
22 to each of the right-of-ways which currently does not exist. In
23 addition, we are installing new canopy trees within the parking
24 area to facilitate, you know, shade and mitigate heat -- urban
25 heat island effect, as well as provide those tree wells for

1 rainwater harvesting.

2 So, in order for this use to locate, as Mr. Olivas
3 noted, within the R-3 zone, it is subject to approval and
4 compliance with five use-specific standards. Those standards are
5 -- are largely, you know, what type of use. It excludes a blood
6 donor, which we are not proposing. We are proposing a dentist's
7 office. We are adjacent to a major street and route, with the
8 frontage of our building being within 150 feet of that
9 intersection there. The existing building is over 20 feet from
10 any residentially-zoned property. We are not requesting any
11 alterations from the setbacks that are required by the use-
12 specific standards. And licensure will be provided at the time
13 of the development as required by the state.

14 So, with that, that concludes my presentation. And I
15 welcome any questions from you.

16 ZONING EXAMINER: I don't have any questions.

17 MS. WELLOTT: Very good.

18 ZONING EXAMINER: And, unless somebody else from
19 the team would like to speak, I don't see anybody else in the
20 audience. And if no one else has anything to add -- I think
21 Staff has nothing to add -- then thank you. I'll close the
22 Public Hearing.

23 MS. WELLOTT: Thank you so much.

24 ZONING EXAMINER: All right. That concludes the
25 hearings set for the Zoning Examiner's agenda for April 9th,

1 2026. Thank you very much. Have a good evening.

2 (Conclusion of the hearing.)

3 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held on April 9, 2026.

Transcription completed: April 14, 2026.

/S/ Danielle L. Krassow
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